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261.1122-Oswald, Lee Harvey/5-2661

FOREIGN SERVICE DESPATCH

806
DESP. NO.

FROM : Amembassy MOSCOW

May 26, 1961
DATE

TO : THE DEPARTMENT OF STATE, WASHINGTON.

REF : Department's A-173, April 13, 1961;
Embassy's D-659, March 24, 1961, same subject.

4495881

For Dept. Use Only	ACTION	DEPT.
	PPT-2	RM/R, SCS-2, EUR-5, INR-9
	REC'D 6/3	OTHER CIA-15

SUBJECT: CITIZENSHIP AND PASSPORTS: Lee Harvey Oswald

261.1122-Oswald, Lee Harvey/5-2661
SCS-2, PPT-2, EUR-5

The Embassy received on May 25, 1961 an undated letter from Lee Harvey Oswald postmarked Minsk, May 16, 1961, in which he states in part that he is asking "full guarantees that I shall not, under any circumstances, be persecuted for any act pertaining to this case" should he return to the United States, that if this "condition" cannot be met he will "endeavor to use my relatives in the United States to see about getting something done in Washington." According to the letter, Oswald is married to a Russian woman who would want to accompany him to the United States. The text of the letter is contained in Enclosure 1.

In view of the possibility that the Department may receive further inquiries from Oswald's mother or from other persons in his behalf concerning his case, the Embassy would be glad to have the Department's comments before replying to Oswald. The Embassy proposes to reply to Oswald, drawing upon the language of the third paragraph of the Department's A-173, that should he be found not to have lost American citizenship, he would be entitled to return to the United States under the laws and regulations applicable to all American citizens and that the Embassy is not in a position to advise him whether in the event of his return he may be subject to prosecution for possible offenses committed in violation of the laws of the United States or of any of the States. The Embassy's reply would also reiterate that the final determination of Oswald's claim to American citizenship could only be made on the basis of a personal interview and that he is free to visit the Embassy whenever he desires. The reply would include the Embassy's prepared information sheets explaining the requirements and procedures pertaining to his wife's intended immigration. Oswald would also be informed of the necessity for him and his wife to apply to the Soviet authorities for permission to leave the Soviet Union and would be invited to inform the Embassy if he had done so.

The reference in Oswald's letter to his present Soviet internal passport in which he is apparently designated as "without citizenship" is, if accurate, prima facie indication that the Soviet government does not regard him as possessing Soviet citizenship. It would appear on this basis that Oswald has not yet expatriated himself under Section 349(a)(1) of the Immigration and

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Nationality Act.

The Embassy has noted that the Department did not consider it prudent to forward Oswald's passport to him by mail. The Embassy also feels that it would be neither prudent nor appropriate in this case to return Oswald's passport to him without the normal physical and legal safe-guards provided by the requirement that he appear at the Embassy for a personal interview. Should circumstances arise which make it desirable to provide Oswald with a passport or certificate of identity, under circumstances other than the foregoing, the Embassy will request the Department's prior advice. Does the Department consider that Oswald is entitled to the protection of the United States Government while he continues to reside abroad under present circumstances in the absence of reasonable evidence that he has committed an expatriating act?

For the Ambassador:

Edward L. Freers
Minister Counselor

Enclosure:

As stated above.

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261-1122 Oswald, Lee Harvey/5-26-61

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	REC'D 6/3	OTHER CIA-15

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Page 2
End. No.
Dep. No.
From

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For the Ambassador:

Edward M. Rivers
Minister Counselor

Enclosure:

As stated above.

201-2592487

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0114. (Rev. 2)

CONFIDENTIAL

Federal Bureau of Investigation
SEP 7 1962

Director
Central Intelligence Agency
Washington 25, D. C.

Attention: Deputy Director, Plans

Dear Sir:

For your information, I am enclosing communications which may be of interest to you.

Very truly yours,

J. Edgar Hoover

John Edgar Hoover
Director

Enclosures

(Upon removal of classified enclosures, if any, this transmittal form becomes UNCLASSIFIED.)

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